

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON THURSDAY, APRIL 20, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:31 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan. Mrs. Crump was not present.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Price moved to approve the minutes of the April 3 public hearing, Mr. Messer second, all in favor by show of hand.

Mr. Seabrook made a motion to amend agenda to move the CF-1s forward, Mr. Messer second, all voted in favor.

Mr. Schmidt moved to approve the Common Council meeting minutes of April 3, 2006, Mr. Coffey second, all voted in favor.

APPROVAL OF CF-1 FORMS:

Payne Sparkman, Compliance with Statement
of Benefits, Referencing R-98-23

Mr. Kochert moved to approve, Mr. Seabrook second, all voted in favor by show of hands.

Develco Properties, LLC a/k/a Koetter Northgate
Properties, Compliance with Statement of Benefits,
Referencing R-99-12

Mr. Messer moved to approve, Mr. Price second, all voted in favor by show of hands.

Kempco Foods and Koetter Development, Compliance
with Statement of Benefits, Referencing R-03-16
(Personal Property) & R-03-16 (Real Estate)

Mr. Coffey moved to approve, Mr. Seabrook second, all voted in favor by show of hands.

Kelly & Richard Fust, Compliance with Statement of Benefits,
Referencing R-03-28

Mr. Schmidt moved to approve, Mr. Seabrook second, all voted in favor by show of hands.

Clark Foods (American Beverage Marketers)
Compliance with Statement of Benefits,
Referencing R-98-19, R-00-09, & R-02-01

Mr. Messer moved to approve, Mr. Price second, all voted in favor by show of hands.

S & J Precision, Compliance with Statement of

Benefits, Referencing R-98-08 & R-04-24

Mr. Schmidt moved to approve, Mr. Messer second, all voted in favor by show of hands.

Foam Fabricators, Inc., Compliance with Statement of
Benefits, Referencing R-95-31

Mr. Kochert moved to approve, Mr. Coffey second, all voted in favor by show of hands.

COMMUNICATIONS – PUBLIC:

John Dowell, owner of New Albany Inn, addressed the council in support of the Riverfront Development Project. He stated that he and his family own the New Albany Inn and feel that this will help attract new restaurants to the downtown area.

Larry Scharlow, spoke favorably of the Riverfront Development Project. He stated that it is an important item to improve the development of downtown and will draw restaurants into the city.

Jane Alcorn, DNA, presented a petition for the Riverfront Development project. She stated that a lot of people come to her and ask why we can't be more like Jeffersonville and she tells them that this could help us in that direction. She read letters in favor of the project from the Historic Preservation Commission President, Greg Sekula and Bob Cesaer of J. O. Endris.

Lawrence J. Tipperman, spoke in favor of the Riverfront Development Project he stated that this is something that has needed to happen for the last 30 years. He stated that he is currently working with a couple developers that this would help to further attract to the downtown area.

James Wiggins, spoke against the take home cars for the police officers.

Susan Johnson, 826 Elm Wood, spoke against a full time city attorney. She stated that she supported a paralegal to help the council do legal research and write ordinances. She asked what the duties of the stormwater board would be and stated that it should be spelled out in the ordinance. She stated that she did not believe that the City Clerk should be the secretary for the stormwater board that someone who has knowledge of these projects should be such as Tina Haley. She asked if the EPA agreement had been signed.

Ted Fullmore, spoke in favor of the Riverfront Development project. He stated that this has been a success on Lafayette, West Lafayette and Jeffersonville and believes it will help in the revitalization of New Albany's Downtown as well.

John Blocher, JonPaul, asked the council to table Z-06-10 and he spoke in favor of the Riverfront Development project.

Lloyd Wimp, gave a statement that acting on a full time city attorney tonight is premature. He stated that the neighborhood associations have held meetings and discussed the need to further look into this issue and meet with the Mayor and the City Attorney, which they have not done.

Wendall Rourk, spoke on the vacation of the alley off of Cottom Avenue and he presented a second petition not to close the alley.

SEWER BOARD REPORT:

Mr. Seabrook stated that the sewer board met on Tuesday and the EPA had sent a Memorandum of Understanding that the Mayor has signed and hopefully within a couple days of receiving it the EPA will release 150,000 credits. He stated that Tina Haley has worked very hard with the developers to get enough credits to them all to stay afloat. He

also stated that the ordinance for the development of a stormwater board will be tabled tonight. He said that he had no preference as to which statute it is set up under and he suggested that each member draft something for Mr. Ulrich to create an ordinance that everyone can agree with.

Mr. Kochert stated that he agrees with Mr. Seabrook that he doesn't need to or want to be on the Stormwater board but it is important to get this board established as quickly as possible.

Mr. Seabrook stated that rather than the Council having a drainage committee with a certain amount of money for each council member to vie for drainage problems he feels that it would be best to have a professional opinion to prioritize the problems.

Mr. Gahan stated that he was considering calling a work session for next week to discuss this issue.

Mr. Seabrook asked Mr. Ulrich to contact Mr. Fifer to discuss this issue to get it moving forward.

Mr. Gahan stated that he would like an up-to-date financial report on the Sewer Utility so that the council can stay on top of the situation so that they will have all the information they need if they are asked in the future to make a decision on the sewer rates.

Mr. Seabrook asked Mr. Ulrich to request that from Mr. Fifer when he contacts him.

COMMUNICATIONS – CITY OFFICIALS:

Ms. Wisman stated that she agreed with Mrs. Johnson that the Stormwater Board should have someone who is familiar with drainage issues be the secretary such as Mrs. Tina Haley.

Mr. Wheatley spoke on the issue of the Riverfront Development project and how it could move the city forward. He stated that he feels this is a very important step for downtown New Albany and will bring many new restaurants into the area. It will also bring in private money to revitalize the historic building in the downtown business area. He also stated that the Resolution for Studio 2000SI has been brought forward tonight. He informed the Council that the County Commissioners have agreed to provide \$5,000 and it would be wonderful for the project if the City would agree to do the same.

Mr. Schmidt asked if the new licenses had to stay in the area and if the businesses had to sell food.

Mr. Wheatley stated that the new license did have to be used in the Riverfront Development Project area and that the establishments needed to receive 50% of their income from food sales.

Mr. Coffey asked Mr. Wheatley if there could be wordage in the ordinance stating how much a new business owner had to put into remodeling a building in order to qualify for the new license. He used the example of West Lafayette's ordinance that states that they have to put \$40 per square foot into their building.

Mr. Wheatley stated that he could look into adding that.

There was a lengthy discussion regarding the \$21,000,000 pledged by the city and that this is the money that is being invested in Scribner Place and the procedure that must be followed by anyone who will be taking part in this program.

Kay Garry addressed items on the agenda. First she discussed the full time attorney and stated that this year there is no money in the General Fund to make this position full time. On the Resolution to earmark the Jail Bond money for the sewer utility she stated that she

had hoped that some of that money could be used for the DROP payments for the retiring police officers in 2008 and to get LRS Fund out of the red.

Mr. Seabrook asked if the money received from the county for the Jail Bond could be used for anything without the approval of the council.

Mrs. Garry stated that the money could not be used without an appropriation approved by the Council.

There was a lengthy discuss regarding this money and where and how it could be used.

Mr. Coffey asked how many boards have a position for a paid attorney.

Mr. Gibson named the boards that have paid attorneys.

Mr. Coffey asked about the number of attorneys that are paid with contractual services money.

Mrs. Garry stated that she didn't have that information with her but that she could have gotten it if he had asked her earlier in the day.

Mr. Gibson said that it is important to keep money in Contractual services for attorneys for special situations such as the adult video store.

Mr. Coffey stated that in the past when the city had money coming in he begged the council to put some aside for the DROP program and they never listened to him and he stated that the jail bond money needs to be used towards the sewers to help avoid a sewer rate increase.

There was a lengthy discussion regarding the financial problems that is facing the city and how this money should be used.

Mr. Blevins had a question regarding the credit cards that are being used in the city.

Mrs. Garry explained that there are only a couple departments that actually use credit cards and that those department heads are responsible for those cards. She stated that there are a lot of purchase cards that are being used at places such as Home Depot, Office Depot and other places because the larger chains where we get a better price for supplies do not like to use Purchase Orders anymore. She explained that credit cards have been used for a few years now and that an ordinance should have been passed prior to the departments applied for them. She stated that she has asked the department heads to freeze the use of the credit cards until this passes.

Chief Harl informed the council of the age of several of the police cars and the extremely high mileage that they have. He stated that they need 10 news cars for the safety of his officers.

Mr. Koehler stated that the parks department does have a card and they use it responsibly. He explained that often times they need supplies sooner than what they can get them through the claims process and that they often can get a better price going somewhere like Wal-Mart or K-Mart with the credit card. He stated that it would also be very beneficial if they could accept credit card payments for services.

There was a lengthy discussion regarding the credit cards and there usage in the city.

Chad McCormick presented the council with the annual report for the city. He asked everyone to look over this and if they have any comments to contact him prior to April 27th.

COMMUNICATIONS – MAYOR:

Mayor Garner addressed the council regarding the EPA Memorandum of Understanding. He stated that when he received the agreement it was already signed by the EPA's representative and he assumed that as soon as they received the agreement with his signature that the 150,000 credits would be issued.

Mr. Price asked if the Daisy Lane project would get sewer credits from the 150,000.

Mayor Garner stated that they would not. That the 150,000 credits have already been allocated to other projects that had been put on hold until we had credits.

Mayor Garner stated that on the Studio2000SI that County will only give the \$5,000 if the city matches it.

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-06-02 Resolution to Fund STUDIO2000SI

Mr. Price introduced R-06-02 and motioned for the reading by title only, Mr. Messer second, all voted in favor except for Mr. Price and Mr. Kochert who voted nay.

R-06-08 Resolution to Purchase Needed Equipment for
Police Department

Mr. Coffey tabled this until seeing what other resources may be available to cover this expense.

There was a lengthy discussion regarding grant monies received for these items and Riverboat funds that are available.

R-06-09 Resolutions of the Common Council of the
City of New Albany, Indiana

Mr. Schmidt tabled this item.

G-06-08 Ordinance to Amend Ordinance G-98-263
Removal of Abandoned Vehicles; Establishment
Of Procedures.

Mr. Price introduced G-06-08 and motioned for the first reading by title only, Mr. Seabrook second, all voted in favor

Officer Lewis explained the procedure used for towed vehicles that are not picked up by their owners and can not be sold at auction.

G-06-09 An Ordinance to Authorize the use of Credit Cards
And Purchasing Cards for City Purchasing

Mr. Blevins introduced G-06-09 and motioned for the first reading by title only, Mr. Messer second, all voted in favor except for Mr. Schmidt and Mr. Price who voted nay.

G-06-10 Ordinance Amending the Code of Ordinances of
New Albany, Indiana, Title XI, Chapter 111
Riverfront Development Project Area

Mr. Messer introduced G-06-10 and motioned for the first reading by title only, Mr. Seabrook second, all voted in favor.

G-06-11 Ordinance to Establish the Position of a Full Time
City Attorney for the City of New Albany Indiana

There was a lengthy discussion regarding whether this should be tabled and why the city needs a full time City Attorney and whether or not \$85,000 would attract an attorney away from their practice.

The council also discussed with Mr. Gibson what he feels needs to be considered for the legal department of the City of New Albany.

Mr. Gibson explained that he does believe that there is a need in the legal department for more man power, but he is not sure yet if that means that there needs to be a full time attorney, two part time attorneys, but he does believe that there needs to be a full time paralegal.

Mr. Coffey stated that according to State Statute he needed to change the wording of “City Attorney” to “Corporation Council” throughout the bill.

Mr. Coffey introduced G-06-11 and motioned for the first reading by title only, Mr. Price second, all voted in favor except for Mr. Seabrook and Mr. Gahan who voted nay.

G-06-04 Post Construction Runoff Control Ordinance

Mr. Kochert introduced G-06-04 and motioned for the second and third readings by title only, Mr. Coffey second, all voted in favor. Bill G-06-04 became ordinance G-06-12.

G-06-07 An Ordinance Establishing the New Albany
Storm water Drainage Board Pursuant to
Authority Granted by IC 36-9-23, Et Seq.

Mr. Seabrook tabled with the understanding that Mr. Ulrich would contact Mr. Fifer to create an ordinance that would be more acceptable to everyone on the council.

Z-06-09 An Ordinance for the Vacation of A Public Way
Pursuant to A Petition Filed by Cathy Wicke

Mr. Blevins introduced Z-06-09 and motioned for the second and third readings by title only, Mr. Coffey second. Bill Z-06-09 failed with a vote of 2 ayes from Mr. Coffey and Mr. Schmidt and 6 nays from Mr. Price, Mr. Kochert, Mr. Blevins, Mr. Messer, Mr. Seabrook and Mr. Gahan.

Z-06-10 Ordinance Amending the Code of Ordinances of
New Albany, Indiana Title XV, Chapter 156
(Docket P-02-06: JonPaul, Inc.)

Mr. Blevins tabled this ordinance.

Z-06-11 Ordinance Amending the Code of Ordinances of New
Albany, Indiana, Title XV, Chapter 156 (Docket
P-05-06: John E. Livingston)

Mr. Seabrook introduced Z-06-11 and motioned for the second and third readings by title only, Mr. Price second, all voted nay. Bill Z-06-11 failed.

Mr. Gahan stated that he will wait to schedule a work session on the stormwater board ordinance until he hears from Mr. Ulrich

There being no further business before the board, the meeting adjourned at 9:34 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST:_____
Marcey J. Wisman, City Clerk